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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fiftieth session

SUMMARY RECORD OF THE 1214th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 21 March 1997, at 3 p.m.

Chairman: Mr. BANTON

CONTENTS

ORGANIZATIONAL AND OTHER MATTERS (continued)

STATEMENT BY MR. RALPH ZACKLIN, OFFICER-IN-CHARGE, HIGH COMMISSIONER/
CENTRE FOR HUMAN RIGHTS

CLOSURE OF THE SESSION

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The meeting was called to order at 3.05 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

State party reports for consideration at the fifty-first session

1. The CHAIRMAN invited the Committee to consider which State party reports should be taken up at its fifty-first session in August 1997.

2. Mr. YUTZIS said that careful organization was called for since at that session the Committee could not postpone adopting its concluding observations given the deadline for submission of its report to the General Assembly. The Committee and the secretariat should together decide on the appropriate methodology for the most rational use of the available time.

3. Ms. ZOU Dexi said that the most important point for the August session was that the Committee should review State party reports and draft its concluding observations on them. Those observations mattered to the States parties, which sent delegations to the Committee's meetings. Only the last days of the Committee's sessions, however, tended to be devoted to concluding observations, which was not the best arrangement since frequently not all were present at the end of the session. There was no flexibility with regard to time and the observations were adopted in haste or deferred until the next session. Moreover, the secretariat had an extremely busy workload during the last few days of each session. Time should therefore be added to discuss the concluding observations, and there should be no time-limit on the number of meetings allotted for that purpose. The discussion on the observations should not be concentrated in the last few days of the session. Rather, during the second week of the session, the Committee could discuss the concluding observations concerning those States whose reports had been considered during the first week, and so forth. Reports should be considered during the first part of the session and other items deferred until later in the same session or the next session in order to avoid delaying consideration of the concluding observations. The consideration of reports should be concluded at the session at which it was begun.

4. The CHAIRMAN said that at the present session, the concluding observations on the first State party considered - the United Kingdom - had been drafted straightaway, but it took time for them to be adopted. In a "non-paper" distributed to the Committee on planning for the fifty-first session, the Bureau had recommended that 10 States parties should be scheduled for consideration of either their initial or periodic reports. While the Bureau had been reluctant to delay consideration of the Philippines until the fifty-second session, as that country was eighth in the list according to the order of receipt of the reports, and it preceded Cambodia on the list, the history of the Committee's relations with Cambodia had been so special that consideration could not possibly be postponed. Similarly, the Bureau had been concerned about the urgency of the situation in the former Yugoslav Republic of Macedonia, and had therefore recommended that it should be considered ahead of the Philippines as well. There was agreement about the principles; the problem was in applying them to the selection of States parties for the agenda for the next session.

5. Ms. ZOU Deci asked if less time could possibly be given to consideration of other items on the agenda.

6. The CHAIRMAN, referring to his note on the planning of the future session (CERD/C/50/Misc.10), said that in every session of 30 meetings, one meeting was needed for the opening of the session, one for the closure of the session and one for communications. The Committee's report to the General Assembly and the Third Decade to Combat Racism and Racial Discrimination were not included in the plans for the August session. One meeting was also needed for the new report on the future of the treaty body system. That left nine meetings, which included time for the concluding observations.

7. Mr. YUTZIS wondered how many countries the Committee could realistically deal with in the allotted time.

8. The CHAIRMAN said that the time available must be divided up with more time spent on new reports than on overdue reports. The amount of time that could be spent on the early-warning and urgent procedures was flexible.

9. Mr. YUTZIS said that criteria for choosing priorities were needed, and he proposed three categories: countries submitting reports on time, countries in situations of emergency and other countries, in that order. The Committee must make its calculations in advance and come up with a firm list at the previous session and keep to it. The list that the Chairman had announced at the previous meeting should be used for the next session.

10. The CHAIRMAN said that such a prioritization was contained in the Bureau's recommendation, which was for a total of 35 meetings. As there were only 30 meetings per session, some States parties would have to be deleted from the list.

11. Mr. VALENCIA RODRIGUEZ said that the August session would be a very complicated one, as the Bureau was recommending consideration of 10 initial or periodic reports, whereas usually the number was 7. If that was what the Bureau had agreed, however, he would go along with it. Then there was the question of States parties to be considered under the urgent-action procedure; he believed that Yugoslavia, Rwanda and Burundi were currently of the greatest importance. But what about Jerusalem? He suggested that 4 meetings should be set aside for the concluding observations; 2 for consideration of long-overdue reports; and 2 for other matters, including communications. That would leave a total of 16 meetings for the consideration of reports, instead of 17 as suggested by the Chairman. The Bureau could review the list in the light of developments.

12. Another matter was the discipline of members of the Committee. Country rapporteurs could keep to a maximum of 30 minutes, other members wishing to ask questions or discuss other points, but without repeating the remarks of the country rapporteur, should not exceed 10 minutes. The representatives of States parties should have an initial 30 minutes for their presentation and another 30 minutes for final comments and for responding to questions. He agreed that the number of reports to be considered should be reduced in order

to spend more time on reports that were fundamental to the Committee's work. The country rapporteurs should review the concluding observations before they were put before the Committee.

13. The CHAIRMAN said that while rule 39 of the rules of procedure regarding time-limits for speakers, could be used, the practice was to find out how much time was available and who wished to speak and to divide the time among them; that was more flexible than a mechanical 10-minute allocation.

14. Mr. GARVALOV said that the first priority should be regular reporting of States parties and the second prevention. While a backlog of 20 reports was, of course, excessive, he considered that a small backlog was acceptable. The quality of consideration due to States parties and their delegations must not be sacrificed in the name of expediency. He was in favour of retaining on the list of reports to be considered by the Committee all those which had already been submitted, in other words, the group listed in paragraph 1 of the minutes of the Bureau meeting ("non-paper"), and thought the Committee should then address itself to the issue of prevention. As time permitted, it might also consider States parties listed in the three other paragraphs of the minutes.

15. He suggested increasing to at least six the number of meetings devoted to discussion of the concluding observations. It was unfortunate that, during the previous afternoon's discussion with a State party, members of the Committee had disputed a statement made in the concluding observations.

16. The CHAIRMAN said the the Committee must make difficult choices with regard to the amount of time to allocate to discussion of prevention and to the question of rescheduling Rwanda for consideration at the August session.

17. Mr. de GOUTTES said that at the time when Rwanda had been placed on the agenda for the fifty-first session, the Committee had not yet heard the previous day's statement by the Permanent Representative of that country. It had been clear from that statement that the Rwandan Government saw little point in cooperating with the Committee unless such cooperation was accompanied by additional resources, which the Committee could not provide.

18. The CHAIRMAN asked those members who favoured consideration of Rwanda at the August session to suggest which reports should be dropped in order to provide the two meetings required for such consideration.

19. Mr. GARVALOV suggested that the portion of the session devoted to States parties scheduled for consideration under the review procedure should be shortened in order to compensate for the time spent on discussion of Rwanda.

20. Mr. de GOUTTES agreed with Mr. Garvalov that the Committee must give priority to reports submitted by States parties while not ignoring the issue of prevention. However, for scheduling reasons, he thought the urgent procedure should be taken up during the second part of the session. By beginning with the reports of States parties, the Committee would have time to adopt its concluding observations as quickly as possible and could then discuss the urgent procedure.

21. The Committee should give first priority to consideration of States parties which had both submitted a written report and sent a delegation. In cases where a report had been submitted but no delegation had been sent, no dialogue with the State party was possible, and so consideration might be limited to a report by the country rapporteur. Finally, in cases where the State party had provided neither a report nor a delegation, a short report by the country rapporteur would suffice.

22. In connection with Mr. Aboul-Nasr's question at an earlier session, he wondered whether the majority of the Committee members were willing to abandon the system of country rapporteurs, thereby gaining considerable time.

23. The CHAIRMAN said he did not think the majority favoured that course of action. He took it that the Committee agreed that initial reports should be given more lengthy consideration than periodic reports and that periodic reports, in turn, deserved closer attention than updating reports. The General Assembly had given its approval for the Committee's intervention in cases of long-overdue reports.

24. Mr. RECHETOV suggested that a firm decision should be taken concerning the length of time to be granted to delegations, country rapporteurs and individual Committee members during consideration of reports. States parties were beginning to respond positively to the Committee's work, and it was unfortunate that the Committee's own lack of organization made it impossible for it to deal with reports quickly and in a professinal manner.

25. He agreed with Mr. de Gouttes' suggestion concerning the Committee's consideration of States which had not submitted reports. Such States should be informed in writing that they must do so, and it was essential that they should appear each year on the provisional agenda; they must not be permitted to boast with impunity to the international community of their commitment to human rights and to the Convention. He also agreed that, in cases where there had been a delay of over five years in submission of a State party report, the country rapporteur might, as time permitted, devote 15 minutes per meeting to a brief presentation, as Mr. Shahi had done in the case of Mongolia. It was important to appoint rapporteurs even for countries which had not submitted reports since the knowledge that they were scheduled for consideration might induce them to submit reports or make changes in their human rights legislation.

26. The CHAIRMAN said it was his understanding that Mr. Rechetov favoured sending letters to all the countries listed under section D of document CERD/C/50/Misc.9/Rev.2 and asked whether the Committee supported that proposal.

27. It was so decided.

28. Mr. SHERIFIS said that while, in principle, all States parties' reports were important, for practical reasons priority should be given to initial reports and, in particular, written ones. States which sent delegations should be given more detailed consideration. For example, Cameroon, despite the distance and expense involved, had sent four high-ranking representatives and had therefore deserved the extra time that had been devoted to discussion

of its report. Committee members should agree on priorities and observe time-limits rather than forcing the Chairman to call them to order. However, not only quantity but quality mattered; the Committee must not rush through its concluding observations for lack of time, particularly in the case of its recommendations concerning the report of States parties.

29. While he agreed with the Chairman that the majority of members did not support the suggestion concerning the possibility of abolishing the country rapporteur system, there were, in fact, members who did support that system. It was important for members to hear their colleagues' points of view and air their differences before allowing the will of the majority to prevail.

30. The Committee's recommendations might not be binding stricto sensu on States parties, but they must be binding on the Committee itself, which should not debate them after the fact in the presence of delegations of States parties. If the Committee wished to amend or withdraw a recommendation, it should do so at a time when no delegations were present and by majority opinion. To proceed otherwise gave States parties a very bad impression. He did not agree that consideration of reports should be an occasion for that type of dialogue between the Committee and States parties or between members of the Committee. For example, only 40 minutes had been devoted to discussion of the report of Cameroon with the delegation of that country; the rest of the meeting had been spent in intellectual debate on matters of interpretation. Lastly, it was inappropriate for a member of the Committee to inform a delegation of his opinion that a given article of the Convention, such as article 14, was inappropriate and should not be taken into consideration. The Committee should not discuss such matters when non-members were present.

31. The CHAIRMAN asked whether Rwanda should be scheduled under the urgent-action procedure, as proposed by the Bureau, or in the context of its periodic report.

32. Mr. SHERIFIS said that, as a result of the Committee's discussion with the representatives of Rwanda the previous day, the country was not a priority issue for August; the Committee should postpone its consideration as it did not have the time. It was simply not possible to do all the Committee's work in two annual sessions. Many members of the Committee, including himself, supported the Chairman's proposal to envisage adding additional working days.

33. Mr. SHAHI considered that it was premature to take Rwanda off the early-warning list. Some 80,000 people were currently detained there, charged with genocide. It was still not known what would happen in Zaire, where there were still Hutu refugees; the armed struggle against the Rwandan Government might continue, and many perpetrators of genocide were still at large. If the situation had returned to normal by August, it would not be necessary to spend too much time on Rwanda. The situation in Burundi, Rwanda and Zaire was interlinked, however, and compounded by the problems of the Hutu refugees and the detainees. On the basis of the Committee's dialogue with the representatives of Rwanda, he wondered what the Committee could do to expedite legal proceedings in that country.

34. The CHAIRMAN asked whether that meant that Rwanda should be kept on the urgent-procedure list and, if so, whether the Committee wished that country to send a delegation again to its August session. The Committee had to plan well in advance, as the presence of a Rwandan delegation would mean one less meeting to discuss something else.

35. Mr. SHAHI said that the answer to the Chairman's question would depend on the situation at the time. The situation in the Great Lakes region was critical, and Zaire was also on the list of States parties scheduled under the early-warning procedure. Moral pressure should be put on the Rwandan authorities to do something about the detainees.

36. Mr. de GOUTTES agreed that it would be unwise to remove Rwanda from the urgent-action list. The country should be kept on the list, without convening the delegation for the moment. That would depend on developments. If urgent situations were considered at the end of each session, then permanent missions could be asked early in the session to send a delegation.

37. Mr. RECHETOV pointed out that when the Committee had begun its consideration of urgent-action procedures, it had analysed the global situation at the beginning of each session. The present method of work, however, would make such procedures bureaucratic. The future could not be planned for, as no one knew what would happen. An example was the daily worsening of events in Afghanistan, particularly in the northern provinces, where the Taliban were expelling people to Tajikistan and Uzbekistan. Perhaps that trend would stop, but if the situation was exacerbated, Afghanistan would have to be considered under the urgent procedures as well. The list of States parties to be considered in that category must be finalized at the start of each session, so that the Committee could act quickly.

38. The CHAIRMAN said that the Committee had thereby concluded its consideration of planning for its fifty-first session, on the understanding that the views reflected in the summary records would be carefully vetted.

Appointment of country rapporteurs

39. The CHAIRMAN, referring to the recommendations for country rapporteurs for States scheduled for either initial or periodic reports contained in the Bureau's "non-paper", said that there had been no volunteers for Burundi; the secretary would therefore send further written requests to all members of the Committee. The list of country rapporteurs for the 15 States parties scheduled under the review procedure should be changed. For the three States parties which had never filed initial reports, the following rapporteurs had been designated: Mrs. Sadiq Ali for Guyana; Mr. Wolfrum for Liberia; and Mr. de Gouttes for Suriname. In connection with the States parties scheduled under the early-warning procedures, he announced that Mr. Yutzis had offered to act as country rapporteur for Israel.

40. Mr. GARVALOV volunteered to act as country rapporteur for Papua New Guinea if he received sufficient information from the secretariat.

41. Mr. de GOUTTES volunteered to act as country rapporteur for Haiti.

42. The CHAIRMAN asked whether Mr. Chigovera should serve as country rapporteur for Burundi.

43. Mr. SHERIFIS asked whether the same country rapporteur would handle a given State party if it was listed under more than one category, as was the case with Israel and Papua New Guinea.

44. The CHAIRMAN said that that practice was already followed, and referred Mr. Sherifis to the footnotes on page 6 of the provisional agenda (CERD/C/321).

45. Mr. de GOUTTES considered that that situation posed a problem. Once Burundi was listed under the category of States parties scheduled for either initial or periodic reports, it should be deleted from the category of States parties scheduled under the urgent-action procedures.

46. The CHAIRMAN said that brackets would accordingly be put around Rwanda in the urgent procedures category. Portugal, Costa Rica, Ghana and Uruguay had been scheduled by the Bureau for consideration under the review procedure, but should be removed from the list in paragraph 2.

47. Mr. GARVALOV said that the summaries of country reports prepared by the secretariat in 1996 had been very helpful; the work done by the Anti-Racism Information Service had also been excellent.

48. Mr. SHAHI said that, in conformity with the proposed amendment to the rules of procedure whereby any member who was a national of a State party under consideration by the Committee should refrain from participating, he had not participated in the discussion on Pakistan.

STATEMENT BY MR. RALPH ZACKLIN, OFFICER-IN-CHARGE, HIGH COMMISSIONER/CENTRE FOR HUMAN RIGHTS

49. The CHAIRMAN welcomed Mr. Ralph Zacklin (Officer-in-Charge, High Commissioner/Centre for Human Rights). He introduced the discussion by saying that States parties' legislation and policies in the field of racial discrimination had greatly improved since the entry into force of the Convention. There was better cooperation between States parties and the Committee with regard to implementation of the Convention; States parties had gained a better understanding of the Convention, and the Committee a better understanding of the problems of States parties, through the constructive, friendly discussion that accompanied the submission of periodic reports.

50. The Committee had found ways of inducing States parties to submit overdue reports; after five years, it notified such States that they would be considered and invited them to send a delegation. In more than half of the cases to date, the States in question had produced the overdue report and, if a report could not be submitted, many States had sent a delegation. Thanks to the Committee's urgent procedure, it had been able to give early warning of problems in Rwanda and Burundi and was attempting to do so in other trouble spots such as Yugoslavia, Bosnia, Croatia and the former Yugoslav Republic of Macedonia.

51. The Committee had, therefore, extended the potential of the Convention in imaginative ways. However, its workload had greatly increased. There were currently 148 parties to the Convention, far more than at its entry into force. Owing to the number of reports submitted to the Committee, two three-week sessions per year were no longer sufficient; a third was needed, although he realized that some members of the Committee did not support that view. The Committee also faced a resource problem since the secretariat was no longer able to send a representative for the entire duration of its sessions. However, the Committee gave the Organization good value for its money.

52. Mr. ZACKLIN (Office-in-Charge, High Commissioner/Centre for Human Rights) said he was fully acquainted with the Committee's work and appreciated its efforts. However, as to practical measures for assisting the Committee, he could only say that other United Nations committees had similar problems, as did the Office of the High Commissioner for Refugees. In the current climate of diminishing resources, the only solution to growing workloads was better organization and higher efficiency, which were among the objectives of the restructuring of the Organization as a whole and of the Centre for Human Rights in particular. He hoped that the arrival of the new High Commissioner for Human Rights would be accompanied by new and more effective restructuring of the Centre. Throughout the United Nations system, bodies that could demonstrate that they produced results would attract support. In closing, he conveyed the Secretary-General's best wishes to the Committee.

53. Mr. GARVALOV said he hoped that the Committee, which was the oldest of the treaty bodies, would be able to work with Mr. Zacklin in order to achieve closer cooperation with the rest of the United Nations system and the other human rights treaty bodies. The Committee sometimes had at its disposal information that might enable it to forecast future developments to the High Commissioner for Human Rights, who in turn would bring that information to the attention of the Secretary-General and, through him, to the other United Nations decision-making bodies. The Committee would cooperate fully with Mr. Zacklin in that undertaking.

54. Mr. de GOUTTES said it was important for the Committee to cooperate with Mr. Zacklin, as it had done in the past with Mr. Ayala Lasso, particularly in updating the urgent and early-warning procedures. In order to do so, the Committee needed full information from the Office of the Secretary-General. He suggested that the Committee should schedule a discussion of the urgent-action procedure with a representative of the Secretary-General at its next session.

CLOSURE OF THE SESSION

55. After the customary exchange of courtesies, the CHAIRMAN declared the fiftieth session closed.

The meeting rose at 4.45 p.m.